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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,584	03/20/2001	Katsuya Yamada	122.1442	9225

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EXAMINER

BRUCKART, BENJAMIN R

ART UNIT PAPER NUMBER

2155

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/811,584	Applicant(s) YAMADA ET AL.	
	Examiner Benjamin R. Bruckart	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,4,8,9,11,12,15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3,4,8,9,11,12,15 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Status of Claims:

Claims 3, 4, 8, 9, 11, 12, 15, 16 are pending in this Office Action.

Claims 1-2, 5-7, 10, 13-14, 17-18 remain cancelled.

Response to Arguments

Applicant's arguments filed in the amendment filed 8/25/06, have been fully considered but they are not persuasive. The reasons are set forth below.

Applicant's invention as claimed:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 8, 11 are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 6,209,089 by Selitrennikoff et al ("herein referred to as Seli") in view of U.S. Publication No. 2002/0156965 by Gusler et al.

Regarding claim 3, the Seli reference teaches an apparatus for setting environment of a client in a client/server system (Seli: col. 6, lines 53-67), said apparatus comprising:

a unit recognizing that replacement of a hard disk of a client is performed (Seli: col. 2, lines 51- col. 3, line 4); and

a unit that installs data (Seli: col. 3, lines 5-11), which is backed up from said hard disk provided in said client before the replacement thereof and subsequently and preliminarily stored

in a server (Seli: col. 2, lines 65-col. 3, line 4), in response to the replacement thereof onto a hard disk provided in said client after the replacement thereof (Seli: col. 2, lines 51-65):

a plurality of kinds of data are prepared in said server as the backed-up data (Seli: col. 2, lines 65- col. 3, line 4), one of the plurality of kinds of data is selected (Seli: col. 9, lines 3-10; lines 38-42), the selected one kind of data comprising data backed up in the environment just before the replacement (Seli: col. 3, lines 61- col. 4, line 7),

the selected one kind of data is then installed in said client (Seli: col. 9, lines 3-10).

The Seli reference fails to teach using a log.

However, the Gusler reference teaches a unit keeping a log of processing performed on said client (Gusler: page 3, para 36; para 39) and periodically acquiring the selected one kind of data from said client before said replacement (Gusler: page 1, para 5) in order to effectively backup computers overcoming the burden to manually backing up data on a regular basis (Gusler: page 1, para 7-9).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server as taught by Seli to include periodically updating and a log as taught by Gusler in order to effectively backup computers overcoming the burden to manually backing up data on a regular basis (Gusler: page 1, para 7-9).

Regarding claim 11, the Seli reference teaches the apparatus for setting the environment of a client in a client/server system according to claim 3. The Seli reference fails to teach a log. However, the Gusler reference teaches a server has a unit keeping a log of processing performed on said client (Gusler: page 3, para 36; para 39) in order to effectively backup computers overcoming the burden to manually backing up data on a regular basis (Gusler: page 1, para 7-9). It would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server as taught by Seli to include periodically updating and a log as taught by Gusler in order to effectively backup computers overcoming the burden to manually backing up data on a regular basis (Gusler: page 1, para 7-9).

Regarding claim 8, the Seli reference teaches a method for setting the environment of a client in a client/server system (Seli: col. 6, lines 53-67), said method comprising:

recognizing that replacement of a hard disk of a client is performed (Seli: col. 2, lines 51-col. 3, line 4); and

installing data (Seli: col. 3, lines 5-11), which is backed up from said hard disk provided in said client before the replacement thereof and subsequently and preliminarily stored in a server (Seli: col. 2, lines 65-col. 3, line 4), in response to the replacement thereof onto a hard disk provided in said client after the replacement thereof (Seli: col. 2, lines 51-65), wherein:

a plurality of kinds of data are prepared in said server as the backed-up data (Seli: col. 2, lines 65- col. 3, line 4),

one of the plurality of kinds of data is selected (Seli: col. 9, lines 3-10; lines 38-42),

the selected one kind of data comprising data backed up in the environment just before the replacement (Seli: col. 3, lines 61- col. 4, line 7);

the selected one kind of data is then installed in said client (Seli: col. 9, lines 3-10).

The Seli reference fails to teach using a log.

However, the Gusler reference teaches a unit keeping a log of processing performed on said client (Gusler: page 3, para 36; para 39) and periodically acquiring the selected one kind of data from said client before said replacement (Gusler: page 1, para 5) in order to effectively backup computers overcoming the burden to manually backing up data on a regular basis (Gusler: page 1, para 7-9).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server as taught by Seli to include periodically updating and a log as taught by Gusler in order to effectively backup computers overcoming the burden to manually backing up data on a regular basis (Gusler: page 1, para 7-9).

Claims 4, 9 are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 6,209,089 by Selitrennikoff et al ("herein referred to as Seli") in view of U.S. Patent No. 6,487,718 by Rodriguez et al.

Regarding claim 4, the Seli reference teaches an apparatus for setting environment of a client in a client/server system (Seli: col. 6, lines 53-67), said apparatus comprising:

a unit recognizing that replacement of a hard disk of a client is performed (Seli: col. 2, lines 51- col. 3, line 4); and

a unit that installs data (Seli: col. 3, lines 5-11), which is backed up from said hard disk provided in said client before the replacement thereof and subsequently and preliminarily stored in a server (Seli: col. 2, lines 65-col. 3, line 4), in response to the replacement thereof onto a hard disk provided in said client after the replacement thereof (Seli: col. 2, lines 51-65):

a plurality of kinds of data are prepared in said server as the backed-up data (Seli: col. 2, lines 65- col. 3, line 4), one of the plurality of kinds of data is selected (Seli: col. 9, lines 3-10; lines 38-42), the selected one kind of data comprising data backed up in the environment just before the replacement (Seli: col. 3, lines 61- col. 4, line 7),

the selected one kind of data is then installed in said client (Seli: col. 9, lines 3-10).

The Seli reference fails to teach updating to the latest version.

However, the Rodriquez reference teaches updating to the latest version (Rodriquez: col. 6, lines 59- col. 7, line 18) in order to overcomes the problem of having an installer or technician to physically travel to the client (Rodriquez: col. 7, lines 6-17).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server as taught by Seli to include updating to the latest version as taught by Rodriquez in order to eliminate the need for personnel to physically travel to the client (Rodriquez: col. 7, lines 6-17).

Regarding claim 9, a computer readable program recording medium for recording a program causing a computer to set the environment of a client in a client/server system (Seli: col. 6, lines 53-67), by:

recognizing that replacement of a hard disk of a client is performed (Seli: col. 2, lines 51- col. 3, line 4); and

installing data (Seli: col. 3, lines 5-11), which is backed up from said hard disk provided in said client before the replacement thereof and subsequently and preliminarily stored in a

server (Seli: col. 2, lines 65-col. 3, line 4), in response to the replacement thereof onto a hard disk provided in said client after the replacement thereof (Seli: col. 2, lines 51-65), wherein:

a plurality of kinds of data are prepared in said server as the backed-up data (Seli: col. 2, lines 65- col. 3, line 4), one of the plurality of kinds of data is selected (Seli: col. 9, lines 3-10; lines 38-42), the selected one kind of data comprising data backed up in the environment just before the replacement (Seli: col. 3, lines 61- col. 4, line 7),

the selected one kind of data is then installed in said client (Seli: col. 9, lines 3-10).

The Seli reference fails to teach updating to the latest version.

However, the Rodriguez reference teaches updating to the latest version (Rodriguez: col. 6, lines 59- col. 7, line 18) in order to overcome the problem of having an installer or technician to physically travel to the client (Rodriguez: col. 7, lines 6-17).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server as taught by Seli to include updating to the latest version as taught by Rodriguez in order to eliminate the need for personnel to physically travel to the client (Rodriguez: col. 7, lines 6-17).

Claim 12 is rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 6,209,089 by Selitrennikoff et al ("herein referred to as Seli") in view of U.S. Patent No. 6,487,718 by Rodriguez et al in further view of U.S. Publication No. 2002/0156965 by Gusler et al.

Regarding claim 12, the Seli and Rodriguez references teach the apparatus for setting the environment of a client in a client/server system according to claim 4.

The Seli and Rodriguez references do not explicitly state using a log.

However, the Gusler reference has a unit keeping a log of processing performed on said client (Gusler: page 3, para 36; para 39) in order to effectively backing up computers overcoming the burden to manually backing up data on a regular basis (Gusler: page 1, para 7-9).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server as taught by Seli and Rodriguez to include a log as taught by Gusler in order to effectively backup computers overcoming the burden to manually backing up data on a regular basis (Gusler: page 1, para 7-9).

Claims 15 is rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 6,209,089 by Selitrennikoff et al ("herein referred to as Seli") in view of U.S. Publication No. 2002/0156965 by Gusler et al in further view of U.S. Patent No. 5,133,065 by Cheffetz.

Regarding claim 15, the Seli and Gusler references teach the apparatus for setting the environment of a client in a client/server system with a log according to claim 6. The Seli and Gusler references mention backing up and recovering file data but do not explicitly state documents.

However, the Cheffetz reference teaches wherein said client periodically sends document data to said server (Cheffetz: col. 5, lines 20-26; col. 3, lines 60-68; col. 1, lines 30-44) in order to minimize network consumption (Cheffetz: col. 3, lines 36-40) and allows incremental backups can be scheduled for off peak times (Cheffetz: col. 4, lines 6-16).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server with a log as taught by Seli and Gusler to include periodically sending document data as taught by Cheffetz in order to minimize network consumption (Cheffetz: col. 3, lines 36-40) and allow incremental backups can be scheduled for off peak times (Cheffetz: col. 4, lines 6-16).

Claims 16 is rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 6,209,089 by Selitrennikoff et al ("herein referred to as Seli") in view of U.S. Patent No. 6,487,718 by Rodriguez et al in further view of U.S. Patent No. 5,133,065 by Cheffetz.

Regarding claim 16, the Seli and Rodriguez references teach the apparatus for setting the environment of a client in a client/server system with a log according to claim 6.

The Seli and Rodriguez fail to teach documents.

However, the Cheffetz reference teaches wherein said client periodically sends document data to said server (Cheffetz: col. 5, lines 20-26; col. 3, lines 60-68; col. 1, lines 30-44) in order to minimize network consumption (Cheffetz: col. 3, lines 36-40) and allows incremental backups can be scheduled for off peak times (Cheffetz: col. 4, lines 6-16).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server with a log as

taught by Seli and Rodriguez to include sending document data as taught by Cheffetz in order to minimize network consumption (Cheffetz: col. 3, lines 36-40) and allow incremental backups can be scheduled for off peak times (Cheffetz: col. 4, lines 6-16).

REMARKS

Applicant has made no amendments arguing just two points about the claims over the prior art.

The Applicant Argues:

1) That the Seli and Gusler references fails to teach ‘one of the plurality of kinds of data is selected, backed up before replacement, and is periodically acquired before replacement of the disk.’

2) That the Seli and Rodriguez references fail to teach “an application program is updated to the latest version.”

In response, the examiner respectfully submits:

The cited prior art does teach the claimed limitations. The examiner has carefully reviewed applicant’s arguments but disagrees with applicant’s assertions. With regard to the first issue... Both Seli and Gusler teach the claimed subject matter. The claim vaguely claims an environment of a client because it does not define this environment. The claims do not state which unit is performing the step periodically acquiring data... leaving it open to interpretation. Applicant is requested to clarify antecedent basis for “said unit.” Upon further view of applicant’s “selected one kind of data,” the instant applications specification pages 14, line 25 through page 15, line 9 does not teach a specific kind of data but rather a specific option for backing up. Seli teaches the selected data as both the critical and non-critical data previously stored on the hard disk that are stored in the server (col. 2, lines 65- col. 3, line 4). Seli teaches storing a selected data by teaching option 2 of applicant’s specification because the data stored on the server contains files, applications and operating system, configurations, and data (col. 3, lines 41-53; col. 4, line 1-7). The Seli is limited only by its excessive detail on restoration from inherent backups. Gusler is not though and teaches extensively about backing-up data. Page 3, para 38 of Gusler reinforces that an option of the backed up data is an image of all the data including application data. The examiner suggestions changing claim language to more properly

reflect options of backup and types of data from the environment. With regards to the second issue... Both Seli and Rodriquez teach the claimed subject matter. Seli teaches application data as cited above. Seli teaches that data is restored to a hard disk from a previous hard disk. The backed up data is the selected data and applications are included in it. The backed-up data is updated to the latest version until replacement is also vague. Is the application program updated while it is back-up data on a server or is it backed up from the client so that it is the latest version from the client until the failure? The examiner construes that the limitation is again still broad and can be read upon Seli and Rodriquez. Rodriquez shows a snapshot image that is updated while on the server to include applications and updates the original image. This form of updating is what allows Rodriquez to give the client updated applications and images.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R. Bruckart whose telephone number is (571) 272-3982. The examiner can normally be reached on 9:00-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin R Bruckart
Examiner
Art Unit 2155

brb



SALEH NAJJAR
SUPERVISORY PATENT EXAMINER